

PLANNING FILES

SPIKE ISLAND, HORNBEAM LANE,

S6/652/89

3/4

ESSENDON.

of the permission. Furthermore I regard the setting-out and finished floor level of the building as being a matter for building regulations rather than planning control. I have also taken account of all other matters raised in the representations but they do not alter my views on the main planning issue.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the demolition of an existing house and the construction of a replacement dwelling at Spike Island, Essendon in accordance with the terms of the application (No S6/0652/89/OP) dated 11 July 1989 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
3. the landscaping details required by Condition 1a above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
4. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;
5. before the construction of the dwelling hereby permitted is commenced, the existing dwelling known as Spike Island and garage on the site shall be demolished and the materials removed;
6. notwithstanding the provisions of the Town and Country Planning Development Order 1988 (or any order revoking and re-enacting that Order), the provisions of Part 1, Classes A, B, C, E and F of Schedule 2 to that Order shall not apply to the dwelling hereby permitted;
7. no development shall take place until details or samples of the external materials to be used in the construction of the permitted dwelling have been approved in writing by the local planning authority.

12. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



P ROSSON BA(Hons) Solicitor
Inspector

MEMORANDUM

From: ROBERT BALDOCK

Ext. No.



To: CHRIS CONWAY

16/7/90

Subject SPIKE ISLAND

Following my comments to the Committee on 5th July I am dropping you a line so that you may put this matter to bed!

Having read the decision letter I am of the view that the Inspector has weighed up the 'cons' of the application as far as the Authority is concerned and has played them off against the benefits of the green belt and come to the conclusion that no demonstrable harm can be shown to green belt policy. He is entitled to override the District Pla without setting a precedent (we would merely argue that this was a one off and that the circumstances of any future case were different and did not merit approval.). He has looked at, inappropriate dev. within green belt; special circumstances; size; prominence; fitness for habitation and played all these against whether any demonstrable harm to the green belt factor of safeguarding the surrounding countryside could be shown by allowing the appeal. Signed: Bob Baldock Date / /

Reply

The man from the Ministry he say no! - but in a way which I believe would not be challengeable. However, I still feel that the GB policy may be used where appropriate.

Signed:

Date / /

PLANNING INSPECTORATE
DEPARTMENT OF THE ENVIRONMENT
TOLLGATE HOUSE
HOULTON STREET
BRISTOL BS2 9DJ

ATS
IN ANY ENQUIRY PLEASE QUOTE
APP/ C/950/17/90 146526

Appellant/Agent to complete:

1. APPLICANT/APPELLANT'S NAME Mr G K Macleod
2. SITE ADDRESS Spike Island, Hornbeam Lane, Essendon, Herts
3. LPA Ref No. S6/0652/89/0P

THE DEPARTMENT HAS RECEIVED AN APPEAL FROM THE ABOVE NAMED

If the appellant has indicated the written method on the appeal form, sent directly to you, and if you agree, the date shown here is the starting date for the purposes of the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987.

16 JAN 90

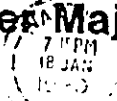
THIS ACKNOWLEDGEMENT DOES NOT CONFIRM THE VALIDITY OF THE APPEAL BUT YOU WILL BE CONTACTED AGAIN SHORTLY. THE CASE OFFICER IS IN ROOM 10/25 PLEASE INCLUDE THIS ROOM NUMBER IN YOUR LETTER OF NOTIFICATION TO INTERESTED PARTIES.

B

B

On Her Majesty's Service **1**

POSTAGE
PAID
PHQ 410



CHIEF PLANNING OFFICER
Welwyn and Hatfield District Council
PO Box 12
Council Offices
The Campus
Welwyn Garden City
Herts
AL8 6AE

AND
DEPT

19 JAN 1986

Please address this card to the Local Planning Authority who dealt with your planning application and return it to the Department with the Department's copy of the appeal form.



Planning Inspectorate

Department of the Environment

Room 122W Tollgate House Houlton Street Bristol BS2 0DJ

Telex 449321

Direct Line 0272-218569
Switchboard 0272-218811
GTN 1374

W.D. (D.P.)
DEVELOPMENT AND
25 APR 1990
DEPT

DIRECTOR OF PLANNING
& DEVELOPMENT
WELWYN HATFIELD DC.
COUNCIL OFFICES
WELWYN GARDEN CITY
HERTS AL8 6AE

Your reference

56/0652/89/0P

Our reference

APP/C1950/A/90/146526

Date

24/4/90

Dear ~~Sir~~/Madam

TOWN AND COUNTRY PLANNING ACT
APPEAL BY MR G.K. MACLEOD
RE: SITE AT SPIKE ISLAND, HORNBEAM LANE, ESSENDEN

1. I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 9 to the Act is

MR P. ROSSON BA (Hons) Solicitor

2. As notified by telephone recently, the Inspector will visit the site on *TUESDAY 8 MAY 1990*. It is understood that you will arrange for him/~~her~~ to be met at ~~the site~~ *the site* at *4.00 pm* to enable the inspection to be made.

3. Although it is necessary for the Inspector to be accompanied by representatives of both parties, he/~~she~~ will not be able to hear representations about the appeal from either side.

Yours faithfully

J. Wilson
MISS J. WILSON

HMSO Bristol 053341/2

209C/89

Planning Department

File No ..*Slc/0652/89.01*...

APPEAL SCHEDULE

DoE Ref No ..*C1452/A190/146526*

APPEAL No.*A1003*.....

Appeal under Section ..*34*.....

INQUIRY/Written REPS *WR*

Case Officer ..*CE/CW*.....

Location *Spike Island, Torbeam Lane, Essendon.*

Appellants(s)/Agent(s) ...*MR. G.K. M. (SOD)*..

- 1. Date of Decision/Service of Notice *18.8.89*
- 2. Date Appeal lodged *16.1.90*
- 3. Date Notice of Appeal received *19.1.90*
- 4. Date questionnaire required by DoE *1.2.90*

WRITTEN REPRESENTATIONS

- 5. Date Statement required by DoE *15.2.90*

Plans/Photographs etc requested

Interested Parties Notified

Date Statement sent to DoE

- 6. Date Site inspection arranged *1*

Site inspection carried out

LOCAL INQUIRIES & HEARINGS

- 7. Date Rule 6 Statement required

Plans/Photographs requested

Other Enclosures ordered

Date Statement forwarded to Legal Department

Date Statement sent to DoE

- 8. Date Proof of Evidence due
- 9. Date of Local Inquiry/Hearing
- 10. DECISION ISSUED - APPEAL ALLOWED/DISMISSED
- 11. Decision Report to Planning Committee
- 12. Decision Recorded - on File

- in Register

- on Index Card

- by DEW

- 13. Appeal Lodged with High Court - YES/NO

- 14. Effective Date of Enforcement Notice (s)

Vincent & Gorbing
Chartered Architects and Town Planners
Sterling Court
Norton Road
Stevenage
Herts SG1 2JY

Ref: VALLANCE/PC
C1950/A/90/
146526
A663 S6
/652/89

23 January, 1990

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1971
APPEAL BY MR G.K.McLEOD
SITE SPIKE ISLAND, HORNBEAM LANE, ESSENDON

I have enclosed a copy of the completed questionnaire together with the relevant correspondence and letter of notification concerning the above appeal.

Yours faithfully,



TONY MOORE
Director of Planning and Development Services

Enc

Department of the Environment
Room 10/25
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Ref: VALLANCE/PC
C1950/A/90/
146526
A663 S6
/652/89


23 January, 1990

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1971
APPEAL BY MR G.K.MCLEOD
SITE SPIKE ISLAND, HORNBEAM LANE, ESSENDON

I have enclosed a copy of the completed questionnaire together
with the relevant correspondence and letter of notification
concerning the above appeal.

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Director of Planning and Development Services

Enc



Department of the Environment
Room 10/25
Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218
Switchboard 0272-218811
GTN 1374

DLD (A)

25 JAN 1990

WELWYN & HATFIELD D.C.,
COUNCIL OFFICES,
WELWYN GARDEN, CITY,
HERTS AL8 6AE.

Your reference 56/4652/89/OP
Our reference APP/ C1950/A/90/146526.
Date

24th JANUARY 1990.

Dear Sir/Madam

THE TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987
APPEAL BY: MR. G. K. MACLEOD
RE: SITE AT SPIKE ISLAND, HORNBEAM LANE, ESSENDON, HERTS.

1. I refer to the above appeal to the Secretary of State. The appeal form and accompanying documents are now being checked to see that all is in order. Unless you hear from us to the contrary you may assume that the appeal is valid.
2. The appellant has chosen the written method. Unless you inform us within 5 working days that an inquiry is necessary, in accordance with paragraph 15 of DOE Circular 18/86, we will assume that the Council do not wish to exercise their right to be heard.
3. As you know, if the Council agree to the written procedure, they are required, in accordance with the Regulations, to:-
 - i. notify - within 5 working days - those interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. (The letter should include the information and details required by the Regulations to be notified. The Council will wish to decide on the precise form of notification but Annex B to DOE Circular 11/87 gives a suggested format. Interested persons should be advised that if they wish to receive a copy of the appeal decision letter, they must write direct to the Inspectorate asking for one.)
 - ii. complete - within 14 days of the "starting date" - an appeal questionnaire in respect of this appeal and send it to the inspectorate together with all the necessary enclosures; and send a copy of the appeal questionnaire and enclosures direct to the appellant or agent. (Please ensure that the Inspectorate's reference number given above is quoted and that all the relevant documents are attached.)
4. Any representations received by us from interested persons will be copied to you and the appellant. Any comments you wish to make on them should be sent to me, and copied to the appellant, within 7 days. Please avoid long exchanges of correspondence which can considerably delay the decision.

102/May 89
(051950/3)

5. The Council will wish to decide whether or not to submit a further written statement. In most cases the relevant background documents submitted with the appeal questionnaire, together with a simple index of these documents, will be sufficient to present the Council's case. If it is considered necessary to submit a further statement, the concise format suggested in Appendix 1 to DOE Circular 18/86 should be used. Any such further statement must be sent to the Inspectorate within 28 days of the "starting date". A copy must also be sent direct to the appellant or agent.

6. Arrangements will be made for the Inspector to visit the site as soon as possible. You will be sent details.

7. DOE Circular 11/87 sets out the timetable for appeals determined by the written procedure and I am sure that you will do all you can to keep within the timetable. Please note that, having drawn attention to the timetable, the Inspectorate does not send reminders to councils or appellants about the submission of documents. I know you will appreciate that where documents have not been submitted, and the site visit has taken place, the Inspector will have to proceed to a decision if it is considered that sufficient information is available.

8. I am the case officer dealing with this appeal. Please send any further correspondence to me at the above address, quoting in full the Inspectorate's reference number given above.

Yours faithfully

David Hennis

P. P. Mr. K. Bray.

APPEALS QUESTIONNAIRE (revised December 1988)

TOWN AND COUNTRY PLANNING ACT 1971: SECTION 36/37 (PLANNING) AND/OR SCHEDULE 11
(LISTED BUILDING AND CONSERVATION AREA CONSENT) APPEALS

DOE APPEAL REF: APP/ C1950/A/90/146526

APPEAL BY: Mr G. K. McLean

GRID REF: 273-063

SITE: Spike Island - Northam Coast - Essendon

Please complete this questionnaire and send copies (together with any enclosures) to the Department and to the appellant or agent within 14 days of the date of receipt of the appeal form.

1. Do the Council agree to the written representations procedure? (If no, go to Q.3)	YES/NO
2. Could the Inspector see the whole site clearly enough from the road or other public land?	YES/NO
3. Does the appeal relate to an application for approval of reserved matters?	YES/NO
4. Was a Section 27 (or Regulation 6 for listed building and conservation area consent appeals) certificate submitted with the application?	YES/NO
5. Was a notice and certificate under Section 26 of the 1971 Act submitted with the application?	YES/NO/NA
6. Is the site within a Conservation Area? (If no, go to Q.9)	YES/NO
7. Has a grant under Section 10 of the Town and Country Planning (Amendment) Act 1972, as amended, been paid in respect of a scheme in the Conservation Area?	YES/NO
8. Does the appeal relate to an application for conservation area consent?	YES/NO
9. Does the development involve the alteration/extension/demolition (delete as appropriate) of a Grade I/II*/II listed building? (delete as appropriate) (If no, go to Q.12)	YES/NO
10. Was the Secretary of State or the Historic Buildings and Monuments Commission consulted?	YES/NO
11. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES/NO
12. Was it necessary for the Council to advertise the proposals under Section 28 of the 1971 Act?	YES/NO/NA
13. Is the proposed development likely to affect an Ancient Monument? (If no, go to Q.15)	YES/NO
14. Has an application for Scheduled Monument Consent been made?	YES/NO
15. Is the appeal site included within an approved Green Belt? (If yes, go to Q.17)	YES/NO
16. Are there any proposals to include the appeal site in the Green Belt? (If yes, give details)	YES/NO
17. Would consultation under the General Development Order (GDO) or under Departmental Circulars have been necessary before granting permission? (Please state consultee and reason here:)	YES/NO
18. Does the development directly affect the line of a footpath, bridleway or highway? (If yes, please state number here: <u>18</u>)	YES/NO
19. Is there a known surface or underground mineral interest at or near (within 400 metres of) the appeal site which is likely to be a material consideration in determining the appeal?	YES/NO
20. Are there any other appeals relating to the same site or neighbourhood still before the Secretary of State for consideration? (If yes, please state appeal reference numbers here: <u>NP/</u>)	YES/NO

Copies of the following documents must be enclosed with this questionnaire.

- (a) any direction by the Secretary of State relevant to the appeal
- (b) any representations received as a result of a Section 27 or Regulation 6 notice
- (c) any comments or directions received from other Government Departments or statutory agencies/undertakers whether or not as a result of consultations under the GDO
- (d) a copy of any notice published in accordance with Section 28 of the 1971 Act

the number of documents enclosed	not applicable
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

22. If the appeal is to be decided by the written representations procedure copies of the following documents must also (where applicable) be enclosed:

- (a) any other relevant correspondence concerning the application
- (b) the Planning Officer's report to committee
- (c) any relevant committee minute
- (d) extracts from any relevant plans and policies
- (e) a copy of the notification letter to local residents and interested persons about the appeal; together with a list of names and addresses of those to whom it was sent [the 'not applicable' box should be used to indicate where no such letter was considered necessary]

the number of documents enclosed	not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

23. The following should also be enclosed in all cases where relevant:

- (a) in the case of a proposed caravan site, a copy of any comments from the local caravan licensing authority
- (b) details of any minerals interest (i.e. Q.19)
- (c) details of any other applications currently before the Council relating to the same site
- (d) a list of any conditions or limitations your Council would favour if the appeal were to be allowed
- (e) in the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision
- (f) any other relevant information which the Council consider the Secretary of State should be aware of

tick if enclosed
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

24. Do the documents listed above comprise the Council's statement of case?

(To be forwarded with Written Statement) YES/No

A COPY OF THIS QUESTIONNAIRE AND ALL ATTACHED DOCUMENTS MUST BE SENT TO THE APPELLANT OR AGENT.

Council's reference 56/0652/89/or

I certify that a copy of this questionnaire and any enclosures have on this same day been sent to the appellant or agent.

Signature C. J. Datta on behalf of Welwyn Hatfield Council Council

Date of Despatch 23/1/90

NB: Please alert the Department to any changes in circumstances occurring after you have returned the questionnaire

This questionnaire constitutes the 'appeal's questionnaire' for the purposes of the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701)

APPEALS QUESTIONNAIRE (revised December 1988)

TOWN AND COUNTRY PLANNING ACT 1971: SECTION 36/37 (PLANNING) AND/OR SCHEDULE 11 (LISTED BUILDING AND CONSERVATION AREA CONSENT) APPEALS

DOE APPEAL REF: APP/ C1950/A/90/1A6526

APPEAL BY: Mr G.K. McLeod GRID REF: 273-063

SITE: Spike Island, Korbenn Lane, Ecclestone

Please complete this questionnaire and send copies (together with any enclosures) to the Department and to the appellant or agent within 14 days of the date of receipt of the appeal form.

1. Do the Council agree to the written representations procedure? (If no, go to Q.3)	YES/NO
2. Could the Inspector see the whole site clearly enough from the road or other public land?	YES/NO
3. Does the appeal relate to an application for approval of reserved matters?	YES/NO
4. Was a Section 27 (or Regulation 6 for listed building and conservation area consent appeals) certificate submitted with the application?	YES/NO
5. Was a notice and certificate under Section 26 of the 1971 Act submitted with the application?	YES/NO/NA
6. Is the site within a Conservation Area? (If no, go to Q.9)	YES/NO
7. Has a grant under Section 10 of the Town and Country Planning (Amendment) Act 1972, as amended, been paid in respect of a scheme in the Conservation Area?	YES/NO
8. Does the appeal relate to an application for conservation area consent?	YES/NO
9. Does the development involve the alteration/extension/demolition (delete as appropriate) of a Grade I/II*/II listed building? (delete as appropriate) (If no, go to Q.12)	YES/NO
10. Was the Secretary of State or the Historic Buildings and Monuments Commission consulted?	YES/NO
11. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES/NO
12. Was it necessary for the Council to advertise the proposals under Section 28 of the 1971 Act?	YES/NO/NA
13. Is the proposed development likely to affect an Ancient Monument? (If no, go to Q.15)	YES/NO
14. Has an application for Scheduled Monument Consent been made?	YES/NO
15. Is the appeal site included within an approved Green Belt? (If yes, go to Q.17)	YES/NO
16. Are there any proposals to include the appeal site in the Green Belt? (If yes, give details)	YES/NO
17. Would consultation under the General Development Order (GDO) or under Departmental Circulars have been necessary before granting permission? (Please state consultee and reason here:)	YES/NO
18. Does the development directly affect the line of a footpath, bridleway or highway? (If yes, please state number here: <u>18</u>)	YES/NO
19. Is there a known surface or underground mineral interest at or near (within 400 metres of) the appeal site which is likely to be a material consideration in determining the appeal?	YES/NO
20. Are there any other appeals relating to the same site or neighbourhood still before the Secretary of State for consideration? (If yes, please state appeal reference numbers here: APP/.....)	YES/NO

Copy of the following documents must be enclosed with the questionnaire:

- | | the number of documents enclosed | not applicable |
|---|-------------------------------------|-------------------------------------|
| (a) any direction by the Secretary of State relevant to the appeal | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) any representations received as a result of a Section 27 or Regulation 6 notice | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) any comments or directions received from other Government Departments or statutory agencies/undertakers whether or not as a result of consultations under the GDO | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) a copy of any notice published in accordance with Section 28 of the 1971 Act | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

22. If the appeal is to be decided by the written representations procedure copies of the following documents must also (where applicable) be enclosed:

- | | the number of documents enclosed | not applicable |
|--|-------------------------------------|--------------------------|
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| (b) the Planning Officer's report to committee | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) any relevant committee minute | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) extracts from any relevant plans and policies | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) a copy of the notification letter to local residents and interested persons about the appeal; together with a list of names and addresses of those to whom it was sent [the 'not applicable' box should be used to indicate where no such letter was considered necessary] | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

23. The following should also be enclosed in all cases where relevant

- | | tick if enclosed |
|--|-------------------------------------|
| (a) in the case of a proposed caravan site, a copy of any comments from the local caravan licensing authority | <input type="checkbox"/> |
| (b) details of any minerals interest (see Q.19) | <input type="checkbox"/> |
| (c) details of any other applications currently before the Council relating to the same site | <input type="checkbox"/> |
| (d) a list of any conditions or limitations your Council would favour if the appeal were to be allowed | <input checked="" type="checkbox"/> |
| (e) in the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision | <input type="checkbox"/> |
| (f) any other relevant information which the Council consider the Secretary of State should be aware of | <input type="checkbox"/> |

24. Do the documents listed above comprise the Council's statement of case?

(To be forwarded with written statement) YES/NO

A COPY OF THIS QUESTIONNAIRE AND ALL ATTACHED DOCUMENTS MUST BE SENT TO THE APPELLANT OR AGENT.

Council's reference
S6/0652/09/09

I certify that a copy of this questionnaire and any enclosures have on this same day been sent to the appellant or agent.

Signature *[Signature]* on behalf of Welwyn Hatfield Council Council

Date of Despatch 23/1/90

NB: Please alert the Department to any changes in circumstances occurring after you have returned the questionnaire

This questionnaire constitutes the 'appeals questionnaire' for the purposes of the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701)



WELWYN HATFIELD COUNCIL

Planning and Development Services
Tony Moore, Director

Ref: VALLANCE/PC
C1950/A/90
/146526
A663

22 January 1990

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1971 -
APPEAL BY G.K.MACLEOD
LAND AT: SPIKE ISLAND, HORNBEAM LANE, ESSENDON
PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING HOUSE AND
CONSTRUCTION OF REPLACEMENT DWELLING
DOE/WO APPEAL REFERENCE: C1950/A/90/146526
APPEAL STARTING DATE: 16TH JANUARY 1990

I am writing to advise you that an Appeal has been made to the Secretary of State for the Environment under Section 36 of the Town and Country Planning Act, 1971 in respect of the above development. The appeal follows the refusal of planning permission by this Council for the following reasons:-

1. The site is designated in the Welwyn Hatfield District Plan as Metropolitan Green Belt wherein it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or unless there is some other outstanding reason. In this instance the houses has been greatly extended in the past and consent for a further extension is outstanding, all of which would provide adequate amenities for the dwelling. The proposed new dwelling would be considerably larger than the extended house, in a more prominent position to the detriment of the visual amenity and character of the area and contrary to the aims of the above policy.

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Copies of any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department, and to the appellant, and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or to make any further representations about the proposal you should write direct to the

Council Offices,
Welwyn Garden City, Hertfordshire AL8 6AE
Telephone: (0707) 331212 Facsimile: (0707) 328640

-2-

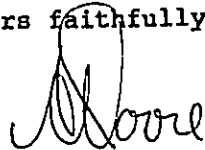
Department of the Environment, Room 15/12, Tollgate House, Houlton Street, Bristol BS2 9DJ within 28 days of the appeal starting date (above) quoting the Department of the Environment appeal number (also above).

This letter has been sent to the occupiers of properties adjoining the site, and those who responded to the original notification.

Copies of the application documents, and the appellants statements, and grounds of appeal are available for inspection at these offices.

Please note that the Secretary of State will only advise you of his decision on this appeal if you specifically request him to do so.

Yours faithfully,

A handwritten signature in cursive script, appearing to read 'A.F. Moore', written in black ink.

A.F. MOORE
Director of Planning and Development Services

**Town and Country Planning Act 1971
Town and Country Planning General
Development Order**

Appeal to the Secretary of State

FOR DOE USE ONLY
Date received
Date acknowledged

- Read the booklet 'Planning Appeals – A Guide' carefully before you start to complete this form.
- Please complete this form clearly and send one copy to the Department and one copy to the local planning authority.

A. Information about the appellant(s)	
1. Full Name(s) <u>Mr G K MacLeod</u>	
2. Address <u>Spike Island, Hornbeam Lane</u> <u>Essendon, Herts</u> Postcode _____	
Daytime Telephone Number _____	Reference _____
3. Agent's name (if any) <u>Vincent & Goring</u>	
Agent's address <u>Sterling Court, Norton Road</u> <u>Stevenage</u>	
<u>Herts</u>	Postcode <u>SG1 2JY</u>
Daytime Telephone Number <u>0438 316331</u>	Reference <u>RL/3071</u>

B. Details of the appeal	
4. Name of local planning authority (LPA) <u>Welwyn Hatfield District Council</u>	
5. Description of the development <u>Demolition of existing house and construction of a replacement dwelling.</u>	
6. (a) Address of the site <u>Spike Island</u> <u>Hornbeam Lane</u> <u>Essendon</u> <u>Herts</u>	6 (b) National Grid Reference (see key on Ordnance Survey Map for instructions). Grid letters: Grid Numbers e.g. TQ <u>TL 273 : 064</u>
7. Date and reference no. of application against which you are appealing. <u>11.7.89</u> <u>S6/0652/89/0P</u>	8. Date of decision (if any). <u>18.8.89</u>

9. Are there any other applications relating to the same site either currently being considered by or about to be put before the LPA? If YES, please describe briefly.	<u>YES</u> / NO
---	-----------------

C. Procedure

(tick appropriate box)

10. Do you agree to the written procedure? (i.e. an exchange of written statements with the LPA plus a visit to the site by a Planning Inspector.)
If YES could the Inspector see the whole site clearly enough from the road or other public land?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

D. Supporting Documents

- You must enclose a copy of each of the following with the appeal form sent to the Department. Otherwise your appeal may be seriously delayed.

- the application made to the local planning authority;
- any section 27 certificate submitted to the local planning authority;
- the appropriate section 27 certificate for this appeal (look at the Notes then tick a box to show which certificate you have enclosed);
A B C D Notice 1 Notice 2
- each of the plans, drawings and documents sent to the LPA as part of the application they considered;
- the LPA's decision (if any);
- all other relevant correspondence with the LPA;
- a plan showing the site, marked in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS Map).
- You should also enclose copies of the following, if appropriate:
 - any notice and the appropriate certificate provided to the LPA in accordance with section 26 of the Act;
 - if the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission;
 - any other plans, drawings and documents sent to the LPA but which did not form part of the application (e.g. drawings for illustrative purposes);
 - any additional plans or drawings relating to the application but not previously seen by the LPA. Number them clearly and note the numbers here: 103A, 104, 105, 106A
107 and 108 (* included in the appendix to our written statement)
- You must also complete and return to the Department the attached acknowledgement cards.

E. The Appeal

Please set out on Page 3 the full grounds of your appeal and sign the declaration below:

* I/We Appeal Against

- A. the decision of the local planning authority
- a) ~~refusing/granting subject to conditions~~, planning permission for the development described above;
 - b) ~~refusing/granting subject to conditions~~; approval of the matters reserved under an outline planning permission;
 - c) ~~refusing to approve any matter (other than those mentioned in (b) above) required by a condition on a planning permission.~~
- B. ~~the failure of the local planning authority to give notice of their decision within the appropriate period on an application for permission or approval.~~

* I/We confirm that I/we have enclosed a copy of each of the supporting documents indicated above and that I/we have clearly marked the relevant plans. I/We also certify that I/we have sent a copy of this appeal form and any supporting documents which were not seen as part of the application, to the LPA.

Signed *G Lewis* (on behalf of) Mr G K MacLeod

Name (in block letters) For Vincent and Gorbings Date 10.1.90

* Strike out the items that do not apply in your case.

Grounds of appeal This must be a clear and concise statement of your full case.

See accompanying written statement

continue overleaf, if necessary

[Empty rectangular box for providing grounds of appeal]

Now check that you have:

- completed the form;
- completed the acknowledgement cards;
- enclosed all the supporting documents;
- set out above the full grounds of appeal.

Send one copy of the appeal form with all the supporting documents to:

The Planning Inspectorate
Department of the Environment
Tollgate House
Houlton Street
Bristol BS2 9DJ

and one copy of the appeal form to the LPA at the address from which you received the decision on your application (or any acknowledgements, etc.) enclosing only copies of those documents not previously seen by the LPA.

Department of the Environment
TOWN AND COUNTRY PLANNING ACT 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Certificate under Section 27

CERTIFICATE A

I certify that:

1. At the beginning of the period of 21 days ending with the date of the accompanying appeal nobody, except the appellant, was the owner (i) of any part of the land to which the appeal relates.

(ii)

*2. None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR:

~~*2 — I have/The appellant has* given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:~~

Tenant's Name (iii)	Address at which notice was served	Date on which notice was served
--------------------------------	---	--

Signed *D. Lewis* *On behalf of Mr G K Macleod
For Vincent and Goring
Date 10.1.90

*Delete where inappropriate

NOTES

(i) 'owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver)

(ii) ONLY ONE of the paragraphs numbered 2 must be deleted

(iii) if you are the sole agricultural tenant enter 'not applicable'

(045517)

Vincent and Goring,
Chartered Architects & Town Planners,
Sterling Cour,
Norton Road,
Stevenage,
Herts.

REF: VALLANCE/DW
C1950/A/90/146526
A663.S6/0652/8908

6 February 1990


Dear Sirs,

TOWN & COUNTRY PLANNING ACT 1971
APPEAL BY: MR. G.K. MACLEOD
SITE: 'SPIKE ISLAND' HORNBEAM LANE, ESSENDON

I enclose one copy of this Council's Statement concerning the
above appeal.

I have also sent a copy to The Department of the Environment.

Yours faithfully,


TONY MOORE
Director of Planning and Development Services

Enc.

Department of the Environment,
Room 10/25,
Tollgate House,
Houlton Street,
Bristol BS2 9DJ.

REF: VALLANCE/DW
C1950/A/90/146526
A663.S6/0652/8908

6 February 1990


Dear Sirs,

TOWN & COUNTRY PLANNING ACT 1971
APPEAL BY: MR. G.K. MACLEOD
SITE: 'SPIKE ISLAND' HORNBEAM LANE, ESSENDON

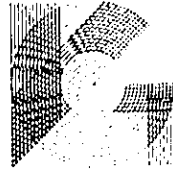
I enclose one copy of this Council's Statement concerning the
above appeal.

I have also sent a copy to the appellant's agent.

Yours faithfully,


TONY MOORE
Director of Planning and Development Services

Enc.



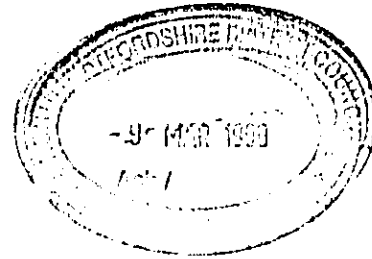
VINCENT AND GORBING
PLANNING ASSOCIATES
 CHARTERED ARCHITECTS AND TOWN PLANNERS

PLANNING AND
 DEVELOPMENT DEPT
 13 MAR 1990

RL/LD/3071

7 March 1990

The Planning Inspectorate
 Department of the Environment
 Room 10/25
 Tollgate House
 Houlton Street
 BRISTOL
 BS2 9DJ



Dear Sir

PLANNING APPEAL BY MR G. K. MACLEOD: LAND AT SPIKE ISLAND, HORNBEAM LANE,
 ESSENDON, HERTS - DOE REF: APP/C1950/A/90/146526

We refer to the local authority's written statement concerning the above
 appeal. We have the following comments to make on the statement:

- 3.3 We feel we must correct the statement made in this paragraph that the
 "extension has not been carried out since it was later established and
 accepted by the applicant that part of the extensions would have
 encroached over the brideway itself onto Highways land and fall
 outside the residential curtilage of the property ...". It has not
 been established that, and our client has not accepted that, part of
 the extension would encroach on the alleged highway. In fact the
 issue of the possible status of part of the previous application /
 appeal site as part of the highway has never been tested in the courts
 or at an inquiry.

Attached is a copy of a letter dated 14.5.87 from the local authority.
 This letter suggests that our client makes a formal application to
 extinguish part of the public highway and advises that Welwyn Hatfield
 District Council would support such a proposal.

We also enclose a copy of our client's solicitor's application dated
 8.12.87 to extinguish part of the alleged highway. This letter
 outlines our client's position in respect of the alleged encroachment.
 In the light of a number of objections to the extinguishment of part
 of Hornbeam Lane it was decided not to proceed with the matter but to
 propose an alternative extension on the opposite side of the building,
 away from Hornbeam Lane. Had the extinguishment, which had Welwyn
 Hatfield District Council's support, been pursued, to a successful
 conclusion, the earlier extension could have been completed. However,
 it is still open to our client to make a further application to
 extinguish part of the alleged highway, which would presumably still
 have Welwyn Hatfield's support.

Cont'd ...

STERLING COURT NORTON ROAD STEVENAGE HERTS SG12JY TELEPHONE: 0438 316331 FAX: 0438 722035

DIRECTORS: DM RIXSON (ARCH) JS FELGATE (ARCH) GFD EWAN (ARCH) JBA H GOMM (ARCH) ABA P GRIMMER (ARCH) ABA COMPANY SECRETARY: A RODGER
 ASSOCIATE: R PARSONS (ARCH) DPT PHRIP

VINCENT AND GORBING PLANNING ASSOCIATES LTD IS A SUBSIDIARY OF VINCENT AND GORBING LTD REGISTERED AT NORTON ROAD STEVENAGE REG NO. 2184304

We would wish to point out that there was no planning obstacle to the implementation of the permission and that the question of possible interference with an alleged highway does not detract from the grant of permission. This is a separate issue that needs to be resolved, such as compliance with the Building Regulations, which is an addition to the grant of planning permission.

Dismissal of the current appeal would not prevent the full implementation of both permissions for the extensions once the issue over the alleged highway has been resolved.

- 3.4 The local authority point out that the latter extension was only permitted as an alternative to S6/133/84. However, the earlier permission was not revoked, neither was a condition attached to the latter permission or a Section 52 agreement entered into to prevent the earlier permission being implemented, once the issue of the alignment of the highway had been resolved.
- 4.4 We wish to point out that although the Development Control standards are described as an appendix to the District Plan, the policies within it were not examined in the Development Plan public local inquiry in 1982.
- 4.5 It is accepted that the Welwyn Hatfield Draft District Plan is a material consideration to the current proposal. However, it must be born in mind that the weight to be attached to it is limited by the fact that it presently comprises the first consultation draft and which has yet to be placed on deposit.
- 5.2 In response to the second paragraph of paragraph 5.1 it is pointed out that the report of the Director of Planning and Development Services comprised a schedule containing no more than details of the application and a recommendation. The report does not contain an appraisal or discussion of the merits or otherwise of the proposal.
- 6.1 to 6.10
Section 6.0 and paragraphs 7.3 to 7.14 of our statement cover these issues, however, we would point out that there is not a presumption against development per se but only against inappropriate development where this will cause demonstrable harm to the Green Belt.
- 6.10 c)
In respect of this paragraph, and in the light of the Cranford Hall Parking Ltd case (referred to in paragraph 6.5 of our statement) it was held that it is wrong, even in the case of proposals in the Green Belt to place the onus of proof on the developer. Notwithstanding this we feel that there are special circumstances applicable to the current proposal, these being; (a) the fact that there is an existing dwelling on the site, which has been permitted to be extended and (b) that the replacement dwelling would be in a less prominent location than that of the existing dwelling.
- 6.12 Policies 50 and 51 of the Structure Plan relate to settlements within the Green Belt. They do not, strictly speaking, apply to development outside settlements.

Cont'd ...

6.14 The current proposal would we feel accord with Policy GB5(ii) of the consultation draft of the District Plan.

6.15 This paragraph states that the "proposal breaches a major objective of safeguarding the open countryside". If the site did not contain an existing dwelling we would accept this fact, but it must be born in mind that this is not the case.

We wish to disagree with the local authority's estimation of the floorspace of the original cottage. Our calculations indicate that the pre 1904 cottage had a gross external floorspace of at least 130m² (including attached outbuildings).

6.16 We disagree with the figures quoted in this paragraph. Our calculations, which are contained in paragraphs 7.16 to 7.20 of our statement, confirm that the proposed dwelling would be smaller than the existing house as permitted to be extended (see drawing 107 at Appendix 7 of our statement).

In respect of the possibility that the proposed dwelling may be extended using permitted development rights our client is agreeable to the addition of a condition to any permission removing the owners rights to extend or to alter the external appearance of the dwelling.

6.17 It is accepted that the proposed replacement dwelling would be larger than the original dwelling on the site. However, we feel that this fact is not particularly relevant since the original dwelling has been extended on several occasions and there are two planning permissions for the further extension of the property. We feel that these facts must be born in mind when considering the current proposal, rather than the original size of the dwelling.

It is our view that although the proposed dwelling would be larger than the existing dwellings it would be smaller than the dwelling as permitted to be extended. It would also be located in a less visible and prominent location, further from Hornbeam Lane.

We find it difficult to see how the local authority can describe the proposal as an "urban form of development" when the application is in outline form and details of the design and external appearance of the proposed dwelling have yet to be prepared. In any case the local authority will be able, at the detailed stage, to ensure that the design and external appearance of the property are appropriate for the location.

No evidence has been provided by the local authority to show how the dwelling would be in a more prominent location or how it would detract from the visual amenity or character of the area.

Cont'd ...

- 6.19 There is not a general presumption against any new buildings in the Green Belt but only against inappropriate buildings. In this case we feel that the proposal is appropriate. In the light of the Cranford Hall decision it is wrong, even in the case of proposals in the Green Belt, to place the onus of proof on the developer. It is still necessary for the local authority to demonstrate how the proposal would harm the Green Belt. We feel that the local authority have failed to demonstrate how the Green Belt would be harmed.

We wish to point out an anomaly in the written statement, which states that the existing house "is structurally sound and habitable". This is the opposite of the wording contained in Policy GB5 of the draft District Plan Review which states that in order for a replacement dwelling in the Green Belt to be acceptable the existing dwelling should not be capable of habitation.

- 7.1 We have commented on this aspect earlier in our letter in response to paragraph 3.3 of the authority's letter. The letter dated 14.5.87 (a copy of which is attached) confirms that the Highway Authority would support a proposal to extinguish part of the alleged "highway".
- 7.2 In response to this comment we wish to refer to the appeal for the erection of a replacement dwelling at "Torilla", Wilkins Green Lane, Hatfield (copy attached). In allowing this appeal the Inspector commented at paragraph 6 that the policy objection to the replacement of an existing dwelling is less strong.
- 7.3 Although PPG1 was published after the decision on the Cranford Hall case it is unlikely that it was able to take account of that decision as it was only made a matter of weeks before the PPG was published and, was not reported in the Journal of Planning Law until March 1989.

We feel that the case quoted by the local authority is not directly relevant to the current proposal as it relates to an additional free-standing building rather than a replacement building as is the case with the current proposal.

- 7.4 to 7.7
These points have already been covered.

- 7.8 We feel that the improvement in the present appearance of the site by the removal of the stable block, the replacement of the existing dwelling and by the provision of additional landscaping are material considerations in determining the current proposal.

In conclusion, we feel that the proposal would not give rise to demonstrable harm to the Green Belt or to any other interest of acknowledged importance.

No evidence has been submitted by the local authority to support their view that the proposed new dwelling would be in a more prominent position to the detriment of the visual amenity and character of the area.

Cont'd ...

In the circumstances we believe that the reason for refusal cannot be justified and submit that, in our view, the appeal should be allowed and planning permission be granted.

We apologise for the length of this letter but feel that there are a number of points raised in the local authority's statement that need to be answered.

We confirm that a copy of this letter has been forwarded to the local authority. Incidentally we wish to point out that we have not as yet received a copy of the local authority's suggested conditions.

Yours faithfully



R. Lewis
for Vincent and Gorbing

c.c. G. K. MacLeod Esq
Director of Planning - North Herts District Council



Welwyn Hatfield District Council

P.O. Box 12 Council Offices
Welwyn Garden City Herts AL8 6AE
Telephone Welwyn Garden 331212 (STD Code 0707)
Frestel 288009

Services Department

Director of Services
A G Swanson C Eng
MICE MIHT

Chief Environmental Health Officer
D H Raitt MRSH MIEH
Chief Housing Officer
A Gray MIH
Chief Leisure Officer
Brian Worthington

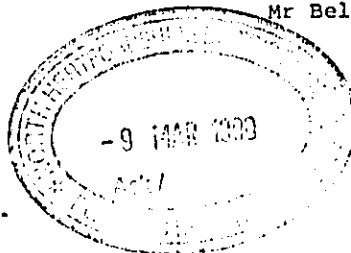
Your Ref:- 87/AL/42

Our Ref:- SJB/CK/HI/1/22

When calling please ask for

Messrs Murgatroyds
Solicitors
36 Holywell Hill
St Albans
Herts
AL1 1BT

f.a.o. Mr D A Raine



Mr Bell

14 May 1987

Dear Sir,

PUBLIC BRIDLEWAY NO. 18 HORNBEAM LANE ESSENDON HATFIELD HERTS

I refer to your two letters dated 30 April, 1987 regarding the ongoing situation in relation to the above bridleway along the boundary of Mr MacLeod's property.

I can only reiterate my previous comments on this subject, namely that this Authority is prepared to support a proposal to extinguish part of the Public Highway along the boundary of "Spike Island" in order to facilitate alterations, by the owner, to the existing property.

However, I am unable to give my agreement to your alternative suggestion, namely an assurance that this Authority would not bring proceedings against continued obstruction of the highway in return for certain "conditions" to be made by Mr MacLeod. The status of the area in question would still be Public Highway, over which the public would have a right of way. In the event of a complaint with regard to the obstructions, from whatever source, we would then have a duty to take appropriate action, which is the case in question at the present time.

In order to resolve this matter, I can only suggest that your client makes formal application to extinguish the section of Public Highway required for building works to proceed, including his agreement to meet the legal costs incurred by this Authority. I should point out that, subject to no objections being received, this could be completed in approximately two months and would include all necessary documentation being prepared by this Council. Obviously, I cannot guarantee that no objections will be received but, as I have previously stated, I believe this is unlikely due to the minimal area of highway involved.

Finally should Mr MacLeod wish to proceed on this basis, I would point out that the areas of encroachment outside the area of proposed extinguishment would have to be removed, which would include the driveway entrance to the property.

Yours faithfully,

R G Bailie
Assistant Chief Technical Officer

"Welwyn Hatfield District is a Nuclear Free Zone"

87/AL/42
SJB/PC/HI/1/22

8th December, 1987.

R. G. Bailie, Esq.,
Assistant Chief Technical Officer,
Welwyn Hatfield District Council,
P.O. Box 12,
Council Offices,
Welwyn Garden City,
Herts.
AL8 6A3

Dear Mr. Bailie,

PUBLIC BRIDLEWAY NO.18 HORNBEAM LANE, ESSENDON, HERTS

We refer to your letter of the 6th October and confirm Mr. Raine's telephone call to Mr. Bell on the 4th December.

We have obtained instructions from Mr. MacLeod and, on his behalf, we are writing to accept the suggestion made in your letter of the 6th October. Accordingly, we formally request the extinguishment of the section of alleged highway encroachment in the vicinity of the garage.

We confirm that Mr. MacLeod has agreed to remove the pillars at the entrance to his drive and that he wishes to replace them in a position to be agreed with you.

We trust you will appreciate that we do feel obliged to add that this request to you is made without prejudice to the submissions previously put forward on Mr. MacLeod's behalf.

Your letter of the 6th October referred to a complication regarding the question of ownership. We have, of course, accepted that the land the subject of the request for this extinguishment is not included within Mr. MacLeod's title deeds. Nevertheless, he has been in possession of this land for very many years as have his predecessors in title. We would, therefore, submit that extinguishment of rights of the public at large in the alleged highway will leave Mr. MacLeod with a normal possessory title.

Having said that, we do think that we need not rely even on that but that we can simply rely on the normal presumption of law that frontages on a highway are presumed to own the land up to the mid point of the highway subject to the rights

of passage that the public enjoy. It is, of course, not normally Land Registry practice to register ownership beyond the boundaries of a highway and we suggest that Mr. MacLeod's position in this respect is no different from that of any other frontager on to a public highway where that highway was not purchased by the Highway Authority itself.

Yours sincerely,

c.c. - Mr. MacLeod
Vincent & Goring

C/1567/MH/P

Department of the Environment and
Department of Transport

Common Services

Room 1309

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321



Direct line 0272-218861
Switchboard 0272-218811
GTN 2074

27 AUG 1985

Mrs N Small
Torilla
Wilkins Green Lane
HATFIELD
Herts
AL10 9RT

Your reference No

Our reference

T/APP/C1950/A/85/30087/P7

Date

23 AUG 1985

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: S6/37/85

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the failure of the Welwyn Hatfield District Council to issue a decision within a prescribed period on your application for planning permission for the demolition of existing dwelling and erection of a single replacement dwelling of the same size at "Torilla", Wilkins Green Lane, Hatfield. I have considered the written representations made by you, by the council and also those made by Hatfield Parish Council and British Aerospace. I inspected the site on 8 August 1985.

2. The appeal site comprises the large garden and grounds of your house Torilla, a 2-storey, flat roofed house constructed in concrete in the middle 1930's. It has a frontage to Wilkins Green Lane, and adjoins a line of detached dwellings which continue along the road into the main area of Ellenbrook. Immediately to the north-east are the rear gardens of a housing estate. To the south-west are the extensive grounds of Great Nast Hyde, a Grade II listed building occupied by British Aerospace Aircraft Group, and I understand that the whole curtilage of Torilla once formed part of the grounds of Great Nast Hyde. Torilla was listed for a brief period, but its designation was removed in response to protests. The appeal site lies just within the Metropolitan Green Belt, the boundary of which runs down the north-eastern edge of the property. Your proposal is to demolish the existing house and build a replacement dwelling of similar size. From my inspection of the site and surroundings and consideration of the representations made I am of the opinion that the decision turns on whether there are reasons for setting aside the normal objections to development in the Metropolitan Green Belt.

3. The council stated that, had the application been determined, it would have been refused for the following reason:

"The site is designated in the certificated Welwyn Hatfield District Plan as Metropolitan Green Belt wherein it is the policy of the Local Planning Authority not to allow development unless required for agriculture or unless there is some other outstanding reason why permission should be granted. No such reason has been given in this case."

In the council's view the boundary of the green belt was correctly drawn along the western boundary of the Ellenbrook residential area and marked the distinction of